

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

APRIL 24, 2000

D033630 In re Roger S., a Juvenile

The juvenile court's order is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Work, J.

D034224 Sanoni v. Construction Repair Specialties & Interiors, Inc.

The portion of the judgment awarding Sanoni damages for emotional distress in the amount of \$26,000 is reversed. The judgment is otherwise affirmed. The order on CRS's motion for an offset is affirmed. The parties shall bear their own costs on appeal. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D034250 Diaz v. State of California

The judgment is affirmed. The parties shall bear their own costs on appeal. Nares, Acting P.J.; I Concur: McIntyre, J.; I concur in the result: Haller, J.

D035475 State of California, Department of Transportation v. San Diego County Superior Court/Kempf et al.

The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

APRIL 25, 2000

D033679 People v. Moton

The judgment and sentence for taking or knowingly driving a stolen vehicle with a prior strike is affirmed. The conviction of receiving stolen property is reversed. Huffman, J.;
We Concur: Kremer, P.J., O'Rourke, J.

D028139 Grossmont Hospital Corporation v. Program Beta Risk Management Authority

The judgment is affirmed. Work, Acting P.J.; We Concur: Haller, J., McDonald, J.

D030557 People v. Dibernardo

That part of the judgment ordering restitution paid to FHP Medical Care of California is reversed and the matter is remanded to the superior court with directions to increase the amount of restitution payable to Dease by the amount previously ordered paid to FHP. In all other respects, the judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., McDonald, J.

D032096 People v. Lopez

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D033445 People v. Rose

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D034246 People v. Mercado

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D034953 In re John L. III, a Juvenile

The appeal is dismissed. Work, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D035011 In re Vincent G., a Juvenile

The appeal is dismissed. Work, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D033862 People v. Trice

Judgment affirmed. Work, J.; We Concur: Kremer, P.J., Huffman, J.

D033462 Ilko v. Anthony Pools, Inc.

Affirmed. Haller, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D033841 People v. Bazan

The order is affirmed. Huffman, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D033512 In re the Conservatorship of Guerrero

The order is affirmed. Work, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D034752 Bettaieb v. International

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

APRIL 25, 2000 (Continued)

D034847 Walsh v. Assemby

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D034292 People v. Terrell

The case is remanded to the superior court with directions to calculate the defendant's custody credits and to amend the abstract of judgment accordingly. In all other respects the judgment is affirmed.
Huffman, J.; We Concur: Kremer, P.J., Haller, J.

D035309 In re Gonzalez on Habeas Corpus

The petition is denied.

D035110 In re Mary Ann Y., a Juvenile

The petition is dismissed. The order to show cause is discharged as improvidently granted.

**D034924 LeWayne M., v. Superior Court/San Diego County Health and Human Services
Agency (RPI)**

Father, LeWayne M., filed a notice of intent under California Rules of Court, rule 39.1B. Counsel has notified the court that she will not be filing a petition for extraordinary relief. Father was invited to file a petition in pro per and has not responded. The case is dismissed. The order to show cause is discharged as improvidently granted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

APRIL 26, 2000

D032920 Sarna v. GNC Franchising, Inc.

The judgment is affirmed with directions. The matter is remanded to the superior court for determining reasonable attorney fees on appeal. Sarna shall have costs. Work, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D032385 Rivas v. San Diego Trolley, Inc.

The judgment is reversed. Nares, J.; We Concur: Work, Acting P.J., Haller, J.

D034914 Francisca M. v. Superior Court/San Diego County Health and Human Services Agency (RPI)

The petition is denied. Haller, J.; We Concur: Work, Acting P.J., McIntyre, J.

D035466 Padilla v. San Diego County Superior Court/People

The petition is denied.

D032423 Hatch v. San Diego County Superior Court/People

The majority opinion filed March 31, 2000 is modified. As modified, the petition for rehearing is denied; Justice McDonald would grant the petition. There is no change in judgment.

D034063 Harris v. Workers' Compensation Appeals Board and County of Los Angeles

The decision of the Board is annulled and the matter is remanded for further proceedings consistent with this opinion. Huffman, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D035281 In re Espinal on Habeas Corpus

The petition is denied.

D035272 In re Bakersville on Habeas Corpus

The petition is denied.

D035287 In re Lepkowski on Habeas Corpus

The petition is dismissed without prejudice to refiling in the proper court.

D035288 In re Tejeda on Habeas Corpus

The petition is denied.

D033960 In re the Marriage of Geisbush

The order is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D032831 Stewart Title Guaranty Company v. E. T. Legg and Associates

Submission of the above-entitled cause on April 10, 2000, is vacated. Stewart Title Guaranty Company v. E. T. Legg and Associates, D032831, will be considered with the appeal in Richard B. Hicks v. E. T. Legg & Associates, D034398. The two cases will be submitted at the same time. Work, Acting P. J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

APRIL 26, 2000 (Continued)

D033439 People v. Richardson

The judgment is affirmed. Huffman, J., Benke, Acting P.J., Haller, J.

D035086 In re Williams on Habeas Corpus

The petition is denied.

**D035225 National Steel & Shipbuilding Company v. Workers' Compensation Appeals
Board/Espinoza**

The April 10, 2000, order denying National Steel & Shipbuilding Company's petition for writ of review is modified. The request for rehearing is denied.

**D035495 Davis v. San Diego County Superior Court/Certain Underwriters at Lloyd's of
London subscribing to policy CW 51398**

The petition is denied.

D033676 People v. Osmer

The judgment is affirmed. Huffman, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D032375 People v. Wasner

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D035318 Bravo v. San Diego County Superior Court/Ismaj

The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE**

APRIL 27, 2000

D032554 Kolar, as Trustee of the Al B. Kolar Trust v. Mobil Oil Corporation

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

D033872 In re Rudy V., a Juvenile

Judgment affirmed. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D032591 People v. Bradley

Order affirmed. McDonald, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D035471 People v. Wilson

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

D033234 Belshe, as Director, etc. v. Baker, as Trustee, etc., et al.

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Work, Acting P.J.;
We Concur: Benke, J., McDonald J.

D032722 Jaffe v. Woolard

The judgment is modified by increasing the award by \$2,753.28, and, as modified, is affirmed. The parties shall bear their own costs. Work, Acting P.J.; We Concur: Benke, J., McDonald, J.

D035326 In re Brim on Habeas Corpus

The petition is denied.

D034116 In re Kaitlyn B., a Juvenile

Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

D032814 People v. Crowell

Judgment affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

D034248 People v. Eppler

Judgment affirmed. Work, J.; We Concur: Kremer, P.J., Huffman, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

APRIL 28, 2000

D029982 People v. Davis

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D033802 In re Derrick B., et al., Juveniles

The orders are affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D034952 In re Marty C., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Work, Acting P.J., McIntyre, J.

**D033037 Providian Auto And Home Insurance Company v. Pedersen, as Clerk of the
Municipal Court, etc.**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

D035452 Garcia Food et al. v. Superior Court of Imperial County/Parra

The petition is denied.

D034385 People v. Williams

Judgment affirmed. Benke, Acting P.J., We Concur: McDonald, J., McIntyre, J.

D031994 Grossmont Healthcare District v. San Diego Hospital Association et al.

D033461 Grossmont Healthcare District v. San Diego Hospital Association et al.

(Consolidated) Order denying rehearing, modifying opinion and certifying opinion for publication.

D035528 Espinoza v. Superior Court of San Diego County/Castillo

The petition is denied.